



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Tentative Notice of Action

"Making a Difference"

MEETING DATE January 21, 2005 LOCAL EFFECTIVE DATE February 4, 2005 APPROX FINAL EFFECTIVE DATE February 23, 2005	CONTACT/PHONE Murry Wilson (805) 788-2352	APPLICANT Cavalier Acres Inc. / Sprint PCS / Nextel	FILE NO. DRC2004-00039
SUBJECT Request by Cavalier Acres Inc. / Sprint PCS / Nextel for a Minor Use Permit / Coastal Development Permit to allow a 180 square foot rooftop space for a panel antenna and associated mechanical equipment to provide telco service for Sprint's existing wireless telecommunications facility at Hearst Castle. The project will not result in the disturbance of any soil on an approximately 72,680 square foot parcel. The proposed project is within the Commercial Retail land use category and is located at 250 San Simeon Avenue in the community San Simeon. The site is in the North Coast planning area.			
RECOMMENDED ACTION Approve Minor Use Permit / Coastal Development Permit, DRC2004-00039, based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption (pursuant to CEQA guidelines Section 15303) was issued on December 21, 2004 (ED04-275).			
LAND USE CATEGORY Commercial Retail	COMBINING DESIGNATION Sensitive Riparian Vegetation, Sensitive Resource Area, Flood Hazard, Local Coastal Plan, Coastal Appealable, Coastal Access Area	ASSESSOR PARCEL NUMBER 013-031-047	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: <i>Does the project meet applicable Planning Area Standards? N/A</i>			
LAND USE ORDINANCE STANDARDS: 23.08.284 - Communications Facilities <i>Does the project conform to the Land Use Ordinance Standards?: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14 calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
EXISTING USES: Hotel / Commercial Retail			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Commercial Retail / Hotel <i>South:</i> Commercial Retail / Restaurant <i>East:</i> Commercial Retail / Hotel <i>West:</i> Pacific Ocean			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, CDF, Coastal Commission, Cal Trans, North Coast Advisory Council			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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TOPOGRAPHY: Level to gently sloping	VEGETATION: Ornamentals
PROPOSED SERVICES: Water supply: N/A Sewage Disposal: N/A Fire Protection: California Department of Forestry	ACCEPTANCE DATE: November 9, 2004

DISCUSSION

Project Description : Request by Cavalier Acres / Sprint PCS / Nextel for a Minor Use Permit / Coastal Development Permit to allow a 180 square foot rooftop space for a panel antenna and associated mechanical equipment to provide telco service for Sprint's existing wireless telecommunications facility at Hearst Castle. All work proposed with this project will be located at the Cavalier motel building. The entire facility will not be visible from the surrounding area or from the pacific ocean because the antennas are screened by the existing parapet and the equipment is inside the basement level of the building. The project includes: a 2-foot panel antenna mounted to a new 2-3/8 inch galvanized pipe at the roof of the existing building and associated telecommunications equipment installed inside an existing room on the basement level of the structure.

The project is a proposal to install an innovative system known as "DataNex." It is very similar to a microwave dish system except a "perfect" line of sight is not required. Currently there is no T-1 lines available to Sprint / Nextel at the Hearst Castle mono-pine site. Thus, the applicant must transmit from a building with a T-1line that is close enough that the telco service can be transmitted or "shot" to the Hearst site using radio frequencies. By installing a small equipment cabinet in the basement and connecting the cabinet to a small antenna on the roof, connected by coax-cable routed through the existing wall, Sprint / Nextel can supply the existing site at Hearst Castle with phone service.

The antenna on the roof of the Cavalier building is directed to an existing antenna located on the mono-pine tree at Hearst Castle. These antennas transmit radio waves to each other which carry the telephonic connection between transmissions received at the Hearst Castle wireless facility (from wireless phone users in the area), to the "hard line" phone service that Sprint / Nextel will be connected to at the Cavalier building. Having this connectivity to the "hard line" phone system is essential for the entire wireless network. Currently the Hearst site is inactive because the it does not have a "hard line" connection.

LAND USE ORDINANCE STANDARDS:

- Section 23.08.284 - Communications Facilities - The project conforms to Section 22.08.284 since the project will not be visible from surrounding areas. All new equipment will be located either on the existing roof structure behind the parapet wall or within an existing basement level equipment room. The project has been sited to protect views to and along the ocean and scenic coastal areas, and to avoid visibility from major public view corridors.
- Section 23.08.284a.(2) - Radio Frequency - Requires application for communication facilities to provide estimates of non-ionizing radiation generated and/or received by the facility. The applicant supplied a report to evaluate the proposed cellular communications facilities for compliance with appropriate guidelines limiting human exposure to radio frequency electromagnetic fields. The RF report, dated October 5, 2004, shows a maximum RF emissions reading for the Hearst Ranch site and the Cavalier Motel site. At the Hearst Ranch site, the maximum power density level measured at ground level was 0.00056 mW/cm² which is equivalent to 0.28% of the FCC standard. At the Cavalier Motel site, the maximum power density level measured at ground level was less than the probe's minimum sensitivity of 0.0003 mW/cm² which is equivalent to 0.15% of the most restrictive public limit. The report concludes that the facility will operate well within the FCC standard for RF emissions. The report preparers comments/recommendations include: a) No access within 4 feet in

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front of the Sprint antenna itself, such as might occur during building maintenance activities shall be allowed while the site is operational, unless other measures can be demonstrated to ensure that occupational protection requirements are met. b) Posting explanatory warning signs at roof access location(s) and at the antenna, such that the sign would be readily visible from any angle of approach to persons who might need to work within that distance.

- Section 23.08.284b.(1)(i)(b) Co-location - The proposed project meets the goals set forth in the section because the project is located on an existing structure and allows for future co-location of wireless telecommunication antennas at the same site.
- Section 23.08.284b.(3)(iv) Site Location - The location of the proposed project has been sited (including all support facilities) to preserve the visual character of the area and will not impact public views of the ocean and/or scenic coastal areas. Since the project will be completely invisible from all public areas, the applicant was not required to analyze alternative sites with this application.
- Combining Designations: The property has the following combining designations: Sensitive Riparian Vegetation, Sensitive Resource Area, Flood Hazard, Local Coastal Plan, Coastal Appealable, Coastal Access Area. The resources will not be effected by the project because the facility is within and on an existing building, not visible from the ocean or public roads, and no ground disturbance is proposed.
- Section 23.07.120 - Local Coastal Program Area - The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

RELEVANT LOCAL COASTAL PLAN POLICIES:

Visual and Scenic Resources:

Policy 1: Protection of Visual and Scenic Resources: The proposed project is consistent with this policy because the project has been sited to preserve the existing views of the ocean and other scenic resources on the vicinity. The project will not be visible from any public viewing areas.

Policy 2: Site Selection for New Development: The proposed project is consistent with this policy because the public view of the ocean from Highway One and local streets are not being further limited.

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned.

AGENCY REVIEW

- CDF - No comments.
- Coastal Commission - Not within Coastal Commission Original Jurisdiction, project is appealable.
- Public Works - No concerns.

COMMUNITY ADVISORY GROUP COMMENTS: North Coast Advisory Council - no comments.

Staff report prepared by Murry Wilson and reviewed by Matt Janssen



EXHIBIT A - FINDINGS

CEQA

- A. The project qualifies for a Categorical Exemption (ED04-275, December 21, 2004) pursuant to CEQA Guidelines Section 15303 because the project is minor in nature, the facility is within and on an existing building, not visible from the ocean or public roads, involves no site disturbance, and will not require the removal of any native vegetation.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the installation and operation of such a facility does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will be consistent with the character of the immediate neighborhood or contrary to its orderly development because the cellular telecommunications facility will not conflict with the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on a local road constructed to a level able to handle any additional traffic associated with the project.

Sensitive Riparian Vegetation

- G. The project or use will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because there will be no removal of sensitive vegetation.
- H. Natural features and topography have been considered in the design and siting of all proposed physical improvements, because the proposed improvements have been located on/within an existing structure so no site disturbance will be required.
- I. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because vegetation removal and site disturbance are not proposed with this project.
- J. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff, because, the structures are existing and the project is not proposing any alteration to physical features of the site.

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EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes:
 - One 2-foot panel antenna mounted to a new 2-3/8 inch galvanized pipe at the roof of the existing building, not extending above the existing parapet wall, to provide coverage to the Hearst Castle site.
 - Installation of Sprint equipment including wall mount radio transmitters, electrical support equipment, etc. inside of the existing mechanical room on the basement floor.
 - T-1 and telephone service will be provided to Sprint to support the cellular site.
2. All development shall be consistent with the approved site plan, floor plans and elevations.

Co-location

3. The applicant agrees to allow other carriers to co-locate at this site, if technically feasible, subject to land use permit approval.

Site Restoration

4. All obsolete or used facilities shall be removed within twelve months of cessation of wireless communication operations on the site. The applicant shall be responsible for the removal of such facility and all appurtenant structures and restoration of the site to pre-project condition. Restoration does not include removal of vegetation planted to provide visual screening. At the time the use of the facility is discontinued the owner of the facility must notify the Department of Planning and Building.
5. **Prior to issuance of building permits**, the applicant shall post a performance bond with the County in an amount commensurate with the cost of facility removal and site restoration. The performance bond shall be released by the County at the time the facility is removed and the site is restored.

Electric and Magnetic Fields

6. The facility shall be designed and operated to ensure that power densities received from transmissions, with all transmitters at the site transmitting at full power, will comply with federal law and regulation.

Explanatory Warning Signage for Occupational Exposures

7. Prior to final inspection, explanatory warning signs* to prevent occupational exposures in excess of the FCC guidelines are to be posted at the equipment shelter gate and on the antennas such that they would be readily visible from any angle of approach to persons who might need to work near the antennas.

(*Warning signs should comply with ANSI C95.2 color, symbol, and content conventions. In addition, contact information should be provided (e.g., a telephone number) to arrange for access to restricted areas.)

The roof of the building should be kept locked, and no access within 4 feet in front of the Sprint antennas, unless other measures can be demonstrated to ensure that occupational protection requirements are met.

Lighting

8. No exterior lighting is approved for the project.

Noise

9. All associated mechanical equipment shall be sound altered to meet applicable County and State exterior noise standards, if applicable. The project shall be maintained in compliance with

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the county Noise Element (including emergency generators). Any back-up or emergency generators shall have a noise baffle cover and shall not exceed a maximum noise level of 65 dbL at a distance of 50 feet from the generator.

Fire Safety

10. **Prior to issuance of building permits**, the applicant shall prepare a fire safety plan meeting CDF requirements.
11. **Prior to final inspection**, CDF shall verify that the fire safety plan is implemented.

Environmental Health - Hazardous Materials

12. **Prior to issuance of building permits**, the applicant shall submit for review and approval by Environmental Health, a Hazardous Materials Business Plan.
13. **Prior to final inspection**, Environmental Health will verify implementation of Hazardous Materials Business Plan.

Mitigation Monitoring/Condition Compliance

14. **Prior to issuance of building permits**, a "condition compliance" sheet shall be added to construction plans that includes a complete copy of the final conditions of approval for the project.
15. **Prior to issuance of building permits**, in order to facilitate implementation of the mitigation measures as adopted and shown in the plans, the Mitigation Compliance Coordinator (MCC) shall prepare a specific list of mitigation measures that pertain to his or her monitoring tasks and the appropriate time frame that these mitigations are anticipated to be implemented.
19. **Prior to issuance of building permits**, the applicant shall identify a MCC to ensure all conditions of approval and mitigation requirements are met. The MCC shall be the County's contact and shall be responsible to ensure all mitigation requirements are met. A pre-construction meeting shall take place between the MCC and the County to review the application and establish the responsibility and authority of the participants.
20. **Prior to final inspection**, the MCC will incorporate the findings of the monitoring effort into a final comprehensive construction monitoring report to be submitted to the County of San Luis Obispo.

Miscellaneous

21. This tentative decision will become final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant to Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14 calendar day local period after the administrative hearing. The applicant is responsible for calling the Central Coast District Office of the California Coastal Commission at (831) 427-4863 to verify that action on the project is final.
22. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050. This permit is generally considered to be vested once a building permit has been issued and substantial site work has been completed. Substantial site work is defined (Section 23.02.042) as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade ('sticks in the air').



Vicinity Map

Project Minor Use Permit

Cavalier Acres/ Sprint PCS DRC2004-00039

Site

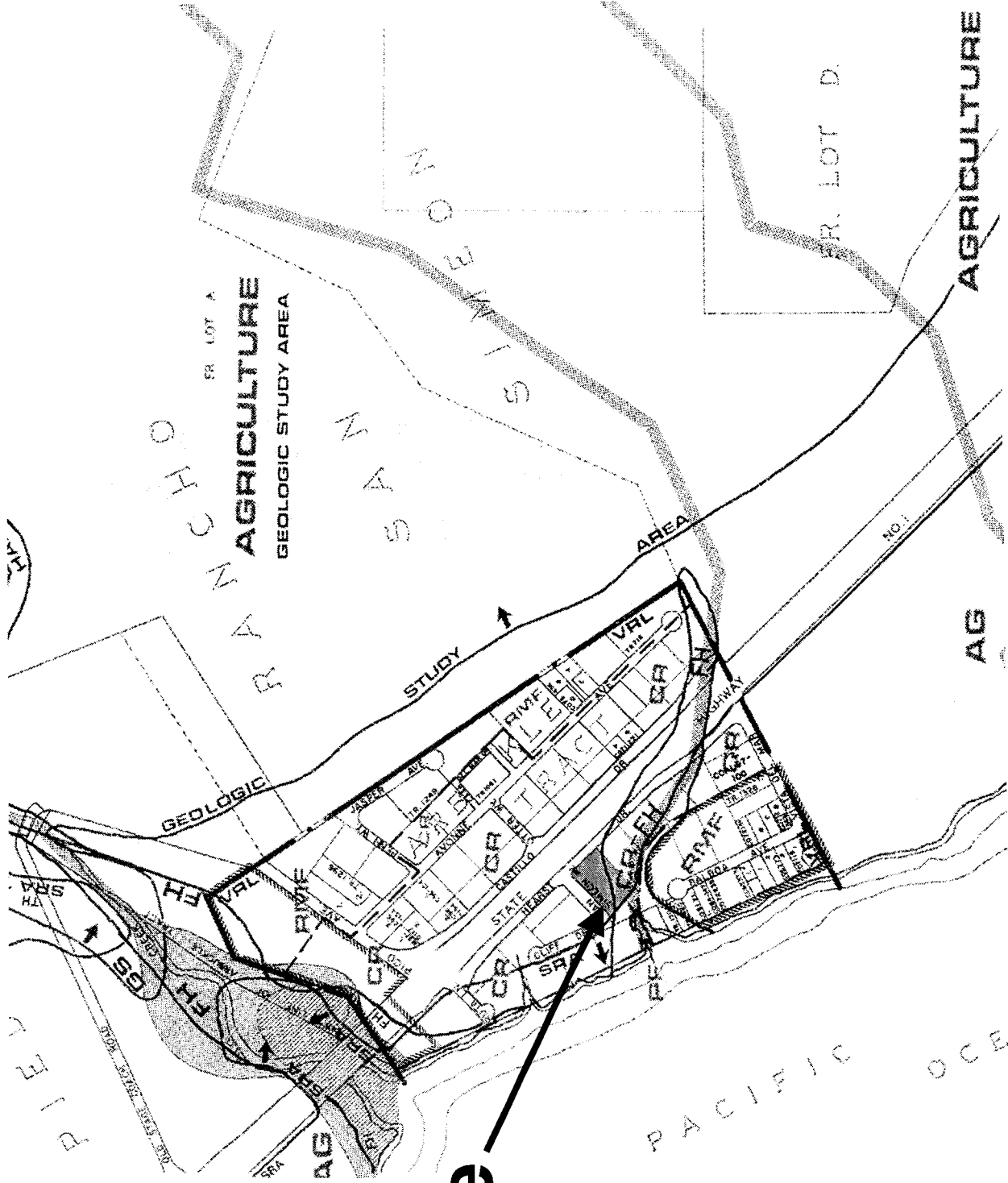


Exhibit
Land Use Category Map



Project
Minor Use Permit
Cavalier Acres/ Sprint PCS DRC2004-00039

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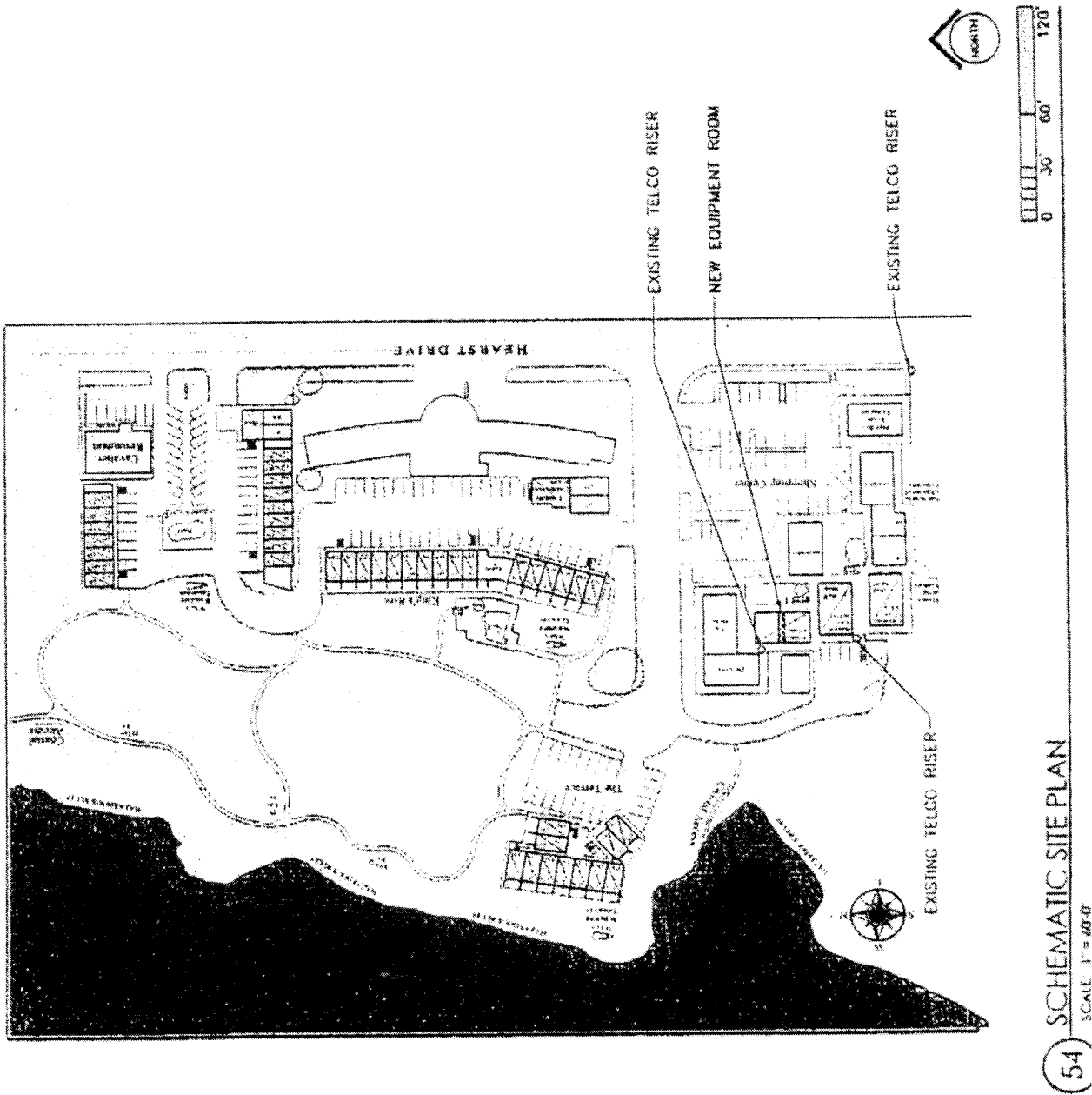
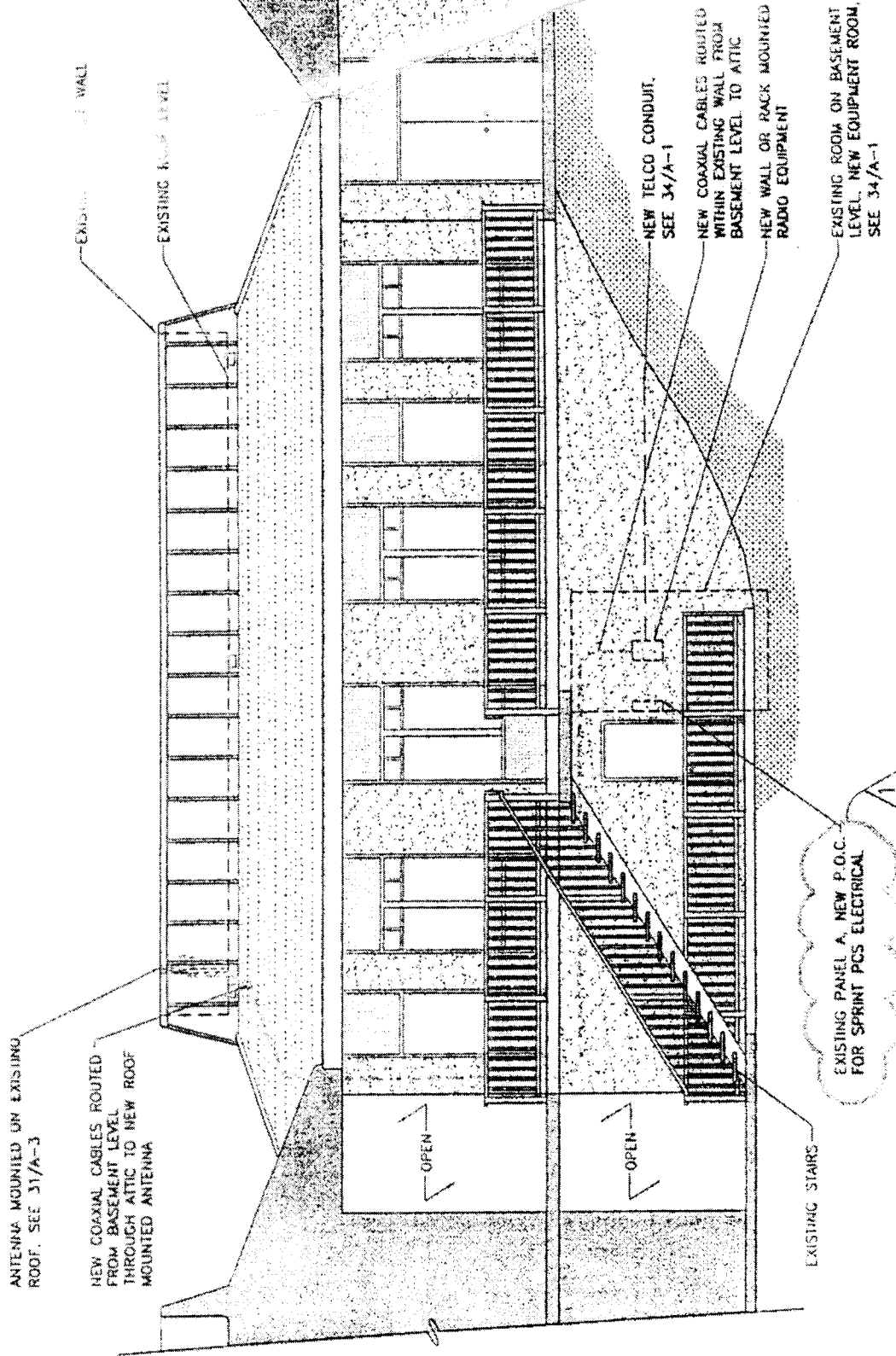


Exhibit
Site Plan



Project
Minor Use Permit
Cavalier Acres/ Sprint PCS DRC2004-00039

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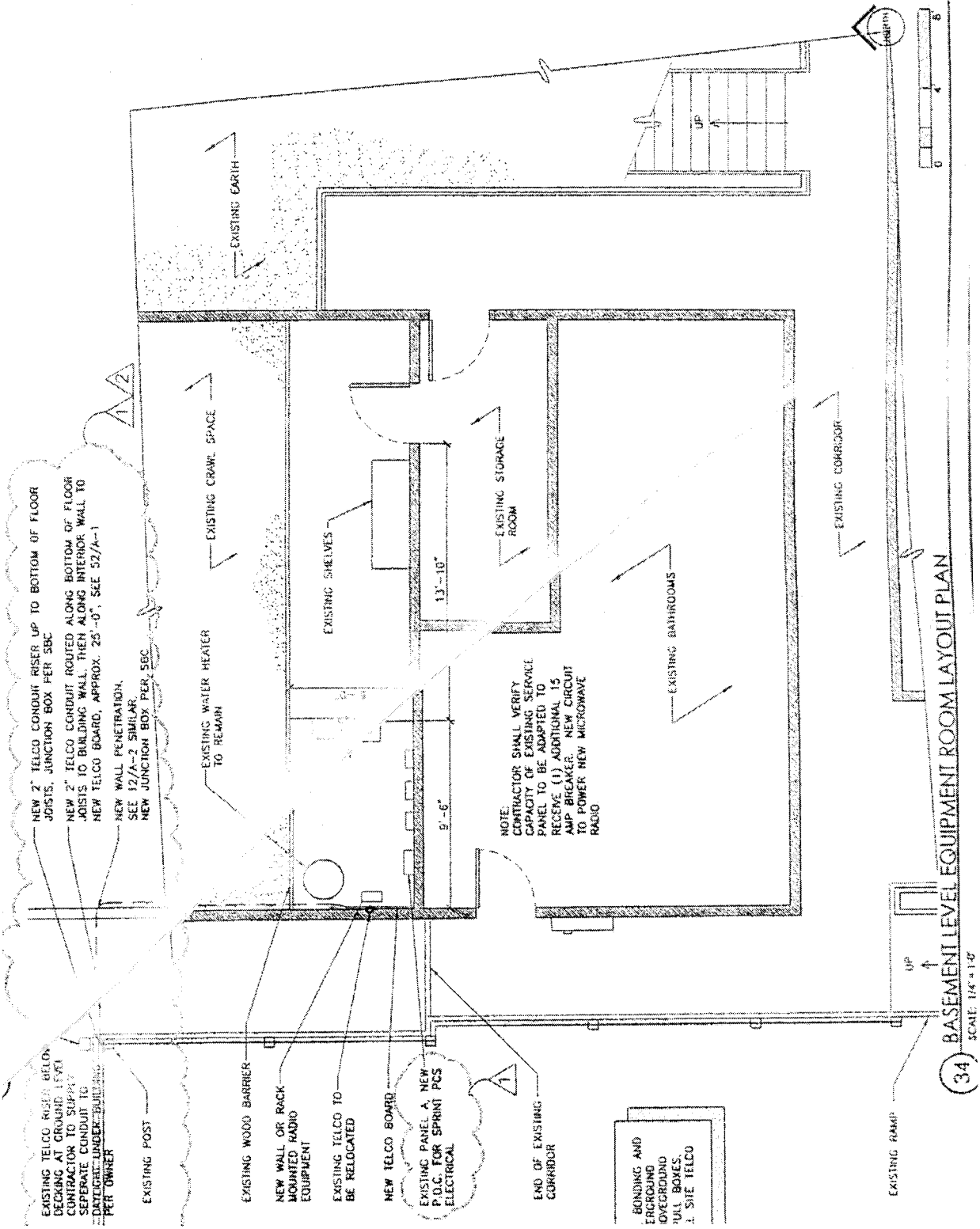
52 EAST ELEVATION

SCALE: 3/16" = 1'-0"



Exhibit
East Elevation

Project
Minor Use Permit
Cavalier Acres/ Sprint PCS DRC2004-00039



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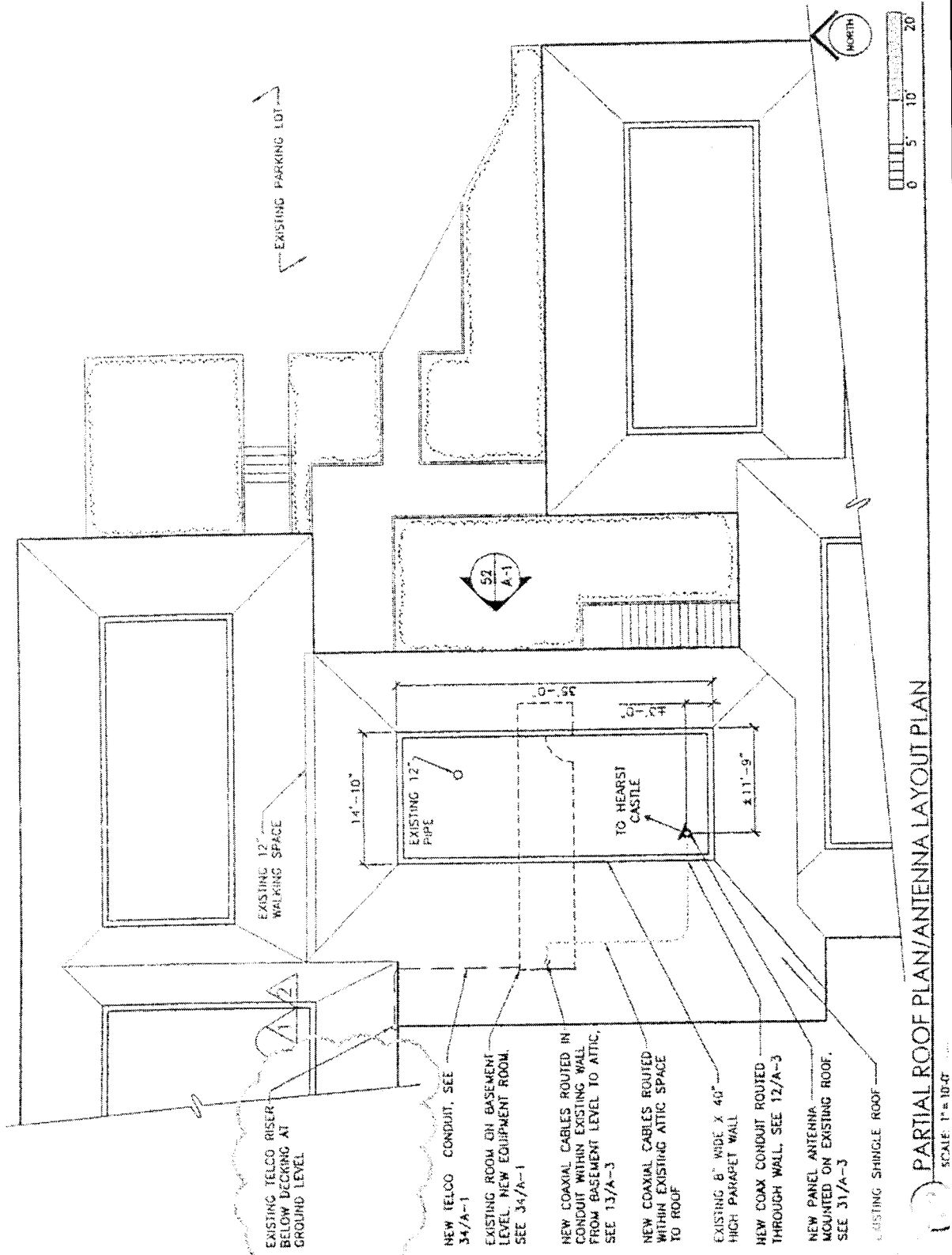


Exhibit
Roof Plan/ Antenna Layout Plan

Project
Minor Use Permit
Cavalier Acres/ Sprint PCS DRC2004-00039